

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02505-TJK**

FRIENDS OF THE EARTH v. U.S. DEPARTMENT OF THE INTERIOR

Assigned to: Judge Timothy J. Kelly

Cases: [1:17-cv-02314-EGS](#)

[1:17-cv-02825-TSC](#)

[1:18-cv-00579-RBW](#)

Cause: 05:552 Freedom of Information Act

Plaintiff

FRIENDS OF THE EARTH

Date Filed: 11/20/2017

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: Federal Question

represented by **William Lawton**
MEYER GLITZENSTEIN & EUBANKS
LLP
4115 Wisconsin Avenue, NW
Suite 210
Washington, DC 20016
(202) 588-5206 ext 107
Fax: (202) 588-5049
Email: nlawton@meyerglitz.com
ATTORNEY TO BE NOTICED

Katherine A. Meyer
MEYER GLITZENSTEIN & EUBANKS
LLP
4115 Wisconsin Avenue, NW
Suite 210
Washington, DC 20016
(202) 588-5206
Fax: (202) 588-5049
Email: kmeyer@meyerglitz.com
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF THE
INTERIOR**

represented by **Jason Todd Cohen**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2523
Fax: (202) 252-2599
Email: jason.cohen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2557
Fax: (202) 252-2599
Email: doris.coles@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/20/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF THE INTERIOR (Filing fee \$ 400 receipt number 0090-5213345) filed by FRIENDS OF THE EARTH. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Meyer, Katherine) (Entered: 11/20/2017)
11/20/2017		Case Assigned to Judge Timothy J. Kelly. (jd) (Entered: 11/20/2017)
11/20/2017	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF THE INTERIOR, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 11/20/2017)
12/28/2017	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FRIENDS OF THE EARTH served on 12/21/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/22/2017. (Answer due for ALL FEDERAL DEFENDANTS by 1/21/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/22/2017. (Attachments: # <u>1</u> Exhibit)(Meyer, Katherine) (Entered: 12/28/2017)
01/03/2018	<u>4</u>	NOTICE of Appearance by William Lawton on behalf of FRIENDS OF THE EARTH (Lawton, William) (Entered: 01/03/2018)
01/04/2018	<u>5</u>	NOTICE of Appearance by Jason Todd Cohen on behalf of U.S. DEPARTMENT OF THE INTERIOR (Cohen, Jason) (Entered: 01/04/2018)
01/19/2018	<u>6</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Cohen, Jason) (Entered: 01/19/2018)
01/23/2018	<u>7</u>	RESPONSE re <u>6</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by FRIENDS OF THE EARTH. (Meyer, Katherine) (Entered: 01/23/2018)
01/24/2018		MINUTE ORDER: It is hereby ORDERED that Defendant shall file any reply in support of its <u>6</u> Motion for Extension of Time by January 25, 2018. Signed by Judge Timothy J. Kelly on 1/24/2018. (lctjk1) (Entered: 01/24/2018)
01/25/2018	<u>8</u>	REPLY to opposition to motion re <u>6</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by U.S. DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Declaration of Clarice Julka executed Jan. 24, 2018)(Cohen, Jason) (Entered: 01/25/2018)
01/25/2018		MINUTE ORDER granting, nunc pro tunc and for good cause shown, Defendant's <u>6</u> Motion for Extension of Time. It is hereby ORDERED that Defendant shall file its response to Plaintiff's complaint by February 26, 2018. Signed by Judge Timothy J. Kelly on 1/25/2018. (lctjk1) (Entered: 01/25/2018)
02/26/2018	<u>9</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF THE INTERIOR.(Cohen, Jason) Modified to add link on 2/27/2018 (znmw). (Entered: 02/26/2018)
02/27/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall meet, confer, and file a joint proposed schedule for briefing or disclosure by March 12, 2018. Signed by Judge Timothy J. Kelly on 2/27/2018. (lctjk1) (Entered: 02/27/2018)
02/27/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule or Disclosure due by 3/12/2018. (kh) (Entered: 02/27/2018)
03/09/2018	<u>10</u>	Consent MOTION for Extension of Time to File <i>Joint Proposed Schedule</i> by FRIENDS OF THE EARTH (Lawton, William) (Entered: 03/09/2018)
03/12/2018		MINUTE ORDER granting Plaintiff's Consent Motion for Extension of Time to File Status Report. It is hereby ORDERED that the parties shall file a Joint Status Report by March 19, 2018. Signed by Judge Timothy J. Kelly on 3/12/2018. (lctjk1) (Entered: 03/12/2018)

03/19/2018	<u>11</u>	Joint STATUS REPORT <i>Regarding Schedule</i> by FRIENDS OF THE EARTH. (Attachments: # <u>1</u> Text of Proposed Order)(Meyer, Katherine) (Entered: 03/19/2018)
03/20/2018	<u>12</u>	ORDER. Joint Status Report due by May 18, 2018. See Order for details. Signed by Judge Timothy J. Kelly on 3/20/2018. (lctjk1) (Entered: 03/20/2018)
05/15/2018	<u>13</u>	NOTICE of <i>Four Related Cases</i> by U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Exhibit ECF No. 23 in SUWA v. DOI, Civ. A. No. 17-2314 (EGS))(Cohen, Jason) (Entered: 05/15/2018)
05/18/2018	<u>14</u>	STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> May 2, 2018, Notification Letter, # <u>2</u> May 17, 2018, Notification Letter)(Cohen, Jason) (Entered: 05/18/2018)
05/18/2018	<u>15</u>	STATUS REPORT by FRIENDS OF THE EARTH. (Lawton, William) (Entered: 05/18/2018)
05/22/2018		MINUTE ORDER: In light of the parties' status reports <u>14</u> <u>15</u> , it is hereby ORDERED that the parties shall file a Joint Status Report by June 25, 2018. The Court acknowledges the concerns expressed by Plaintiff and looks favorably on the parties continuing to try to resolve these concerns before requesting the Court's intervention. Signed by Judge Timothy J. Kelly on 5/22/2018. (lctjk1) (Entered: 05/22/2018)
05/22/2018		Set/Reset Deadlines: Joint Status Report due by 6/25/2018. (kh) (Entered: 05/22/2018)
06/06/2018	<u>16</u>	NOTICE of <i>response to Defendant's Motion to Transfer</i> by FRIENDS OF THE EARTH (Attachments: # <u>1</u> Exhibit Plaintiff's Response to Defendant's Motion to Transfer and Consolidate)(Lawton, William) (Entered: 06/06/2018)
06/22/2018	<u>17</u>	MOTION to Enforce <i>Judge Kelly's March 20, 2018 Order</i> by FRIENDS OF THE EARTH (Attachments: # <u>1</u> Exhibit Exhibit A – Defendant's First Production Letter, # <u>2</u> Exhibit Exhibit B – Defendant's Second Production Letter, # <u>3</u> Exhibit Exhibit C – Email from Plaintiff's Counsel to Defendant's Counsel, # <u>4</u> Exhibit Exhibit D – Defendant's Form Letter, # <u>5</u> Exhibit Proposed Order)(Lawton, William) (Entered: 06/22/2018)
06/25/2018	<u>18</u>	Joint STATUS REPORT by FRIENDS OF THE EARTH. (Attachments: # <u>1</u> Exhibit Defendant's June 15 Production Letter)(Lawton, William) (Entered: 06/25/2018)
07/06/2018	<u>19</u>	Memorandum in opposition to re <u>17</u> MOTION to Enforce <i>Judge Kelly's March 20, 2018 Order</i> filed by U.S. DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Declaration of Clarice Julka)(Cohen, Jason) (Entered: 07/06/2018)
07/11/2018	<u>20</u>	REPLY to opposition to motion re <u>17</u> MOTION to Enforce <i>Judge Kelly's March 20, 2018 Order</i> filed by FRIENDS OF THE EARTH. (Attachments: # <u>1</u> Exhibit SUWA v. DOI, Minute Order July 2, 2018)(Lawton, William) (Entered: 07/11/2018)
07/20/2018	<u>21</u>	NOTICE of <i>Additional New Exhibit</i> by FRIENDS OF THE EARTH re <u>17</u> MOTION to Enforce <i>Judge Kelly's March 20, 2018 Order</i> (Lawton, William) (Entered: 07/20/2018)
08/23/2018	<u>22</u>	NOTICE of <i>additional new exhibit</i> by FRIENDS OF THE EARTH re <u>21</u> Notice (Other), <u>17</u> MOTION to Enforce <i>Judge Kelly's March 20, 2018 Order</i> (Attachments: # <u>1</u> Exhibit DOI Form Letter, August 16, 2018)(Lawton, William) (Entered: 08/23/2018)
09/14/2018		MINUTE ORDER granting, for good cause shown, Plaintiff's <u>17</u> Motion to Enforce the Court's March 20, 2018 Order. On March 20, 2018, the Court ordered that Defendant produce records in response to Plaintiff's Freedom of Information Act (FOIA) requests and provide Plaintiff with a determination as to which responsive records have been produced, which information has been withheld, and the basis for any such decision. Additionally, FOIA requires agencies to respond to a FOIA request by providing a determination and the reasons for the agency's response. 5 U.S.C. § 552(a)(6)(A)(i)(I). The D.C. Circuit has explained that in order to make a determination, an agency must, inter alia, determine and communicate the scope of the documents it intends to produce and withhold, and the reasons for withholding any documents. <i>Citizens for Responsibility and Ethics in Washington v. Federal Election Commission</i> , 711 F.3d 180, 188 (D.C. Cir. 2013). Defendant's release of large volumes of documents online, categorized under broad subheadings, does not comply with the Court's March 20, 2018 Order, or FOIA itself. Therefore, the Court orders that

		Defendant (1) identify for Plaintiff the records that are responsive to each of Plaintiff's specific FOIA requests; (2) identify for Plaintiff any records or information that have been withheld from Plaintiff; and (3) provide Plaintiff its reasons for withholding any records or information. The parties shall meet, confer, and jointly propose a schedule for Defendant's compliance with this order for records already released by September 26, 2018. Signed by Judge Timothy J. Kelly on 9/14/2018. (lctjk1) (Entered: 09/14/2018)
09/26/2018	<u>23</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF THE INTERIOR. (Cohen, Jason) (Entered: 09/26/2018)
10/01/2018		MINUTE ORDER: In light of the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by November 16, 2018. (lctjk1) (Entered: 10/01/2018)
11/16/2018	<u>24</u>	Joint STATUS REPORT by FRIENDS OF THE EARTH. (Lawton, William) (Entered: 11/16/2018)
11/21/2018		MINUTE ORDER: In light of the parties' <u>24</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by November 30, 2018. Signed by Judge Timothy J. Kelly on 11/21/2018. (lctjk1) (Entered: 11/21/2018)
11/30/2018	<u>25</u>	Joint STATUS REPORT by FRIENDS OF THE EARTH. (Lawton, William) (Entered: 11/30/2018)
12/04/2018		MINUTE ORDER: In light of the parties' <u>25</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by January 29, 2019. Signed by Judge Timothy J. Kelly on 12/4/2018. (lctjk1) (Entered: 12/04/2018)
01/12/2019	<u>26</u>	MOTION to Stay by U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/12/2019)
01/29/2019	<u>27</u>	Joint STATUS REPORT by FRIENDS OF THE EARTH. (Lawton, William) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER: In light of the parties' <u>27</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by February 28, 2019. It is further ORDERED that, due to the restoration of funding to the Department of Justice, Defendant's <u>26</u> Motion to Stay is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 1/30/2019. (lctjk1) (Entered: 01/30/2019)